

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

RON TUSSEY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 06-04305-CV-C-NKL
)	
ABB, INC., et al.,)	January 17, 2008
)	
Defendants.)	
)	
)	

MINUTE SHEET

HONORABLE Nanette K. Laughrey presiding at Jefferson City, Missouri.

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Nature of Proceeding: Teleconference - Time: 4:15 p.m. - 5:46 p.m.

Plaintiffs by: Troy Dole
Fidelity Defendants by: Brian Boyle and Richard Bien,
ABB Defendants by: Will Delany and Brian Ortelere

Comments:

Plaintiff stated that ABB's ESI production will not be complete for at least another 30 days. Plaintiff requested that plaintiff's expert report deadline be moved back beginning tomorrow a day for every day there is a delay in completing production of the materials agreed to by the parties. The Court granted the request. The Court ordered the parties to file a report by next Tuesday stating what agreement has been reached related to this issue. If an agreement can not be reached by Tuesday, the Court will have a teleconference and resolve the issue at that time.

The Court will permit the defendants to file briefs on the issue of class-wide discovery. Plaintiff will have 30 days to file a response and defendants will have 15 days to file a reply.

The Court ordered Fidelity to supplement interrogatory 4 and include a specific example and a generic example of how ABB's Payment is received and distributed by Fidelity three weeks from today.

The Court ordered Fidelity to file an affidavit within seven days regarding FMR Corp.'s client analysis reports, unless the issue is resolved by the parties.

Plaintiff requested documents regarding rebates or credits on the revenue sharing. The Court ordered Fidelity to produce the information regarding rebates or credits on revenue sharing or file an affidavit on the issue as instructed by the Court.

The Court ordered Fidelity to produce its business unit charts and historical versions by January 23, 2008.

Fidelity requested information related to Plaintiffs' private investments held outside the ABB Plan. The Court ordered plaintiff to produce under seal within four weeks the documents regarding private investments held by plaintiff outside the ABB Plan.

Report: Katie Wirt

By: Renea Kanies, Courtroom Deputy